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10/537,129

06/02/2005

Karl J Wood

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09/21/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LERNER, MARTIN

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,129

Applicant(s)

WOOD, KARL J

Examiner

Martin Lerner

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 23 is/are pending in the application.
- 4a) Of the above claim(s) 4 to 12 and 16 to 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 to 3 and 13 to 15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Acknowledgment is made of Applicant's claim for foreign priority based on Application No. 0303970.8 filed in the United Kingdom on 21 February 2003. It is noted, however, that Applicant has not filed a certified copy of Application No. 0303970.8 as required by 35 U.S.C. 119(b).

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method and System for Identifying Audio Signals Based on User Preference.

Claim Objections

Claims 4 to 12 and 16 to 23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot either depend upon another multiple dependent claim and must refer to any preceding claim in the alternative only. See MPEP § 608.01(n). Accordingly, claims 4 to 12 and 16 to 23 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 to 3 and 13 to 15 are rejected under 35 U.S.C. 102(e) as being anticipated by *Logan et al.* ('451).

Regarding independent claims 1 and 13, *Logan et al.* ('451) discloses a method and system for identifying programming signals, comprising:

“receiving a user preference” – data processor 16 is configured to modify a broadcast programming signal to generate a proprietary program signal that can be more suited to the individual user's tastes and preferences (column 6, lines 49 to 55: Figure 1); signal processor 78 detects attributes of the programming signal, including attributes related to user preferences, such as voice recognition to detect selected speakers or artists, songs with lyrics, certain instruments, and other such attributes (column 12, lines 62 to 67: Figure 3); implicitly, user preferences must be entered by the user, initially;

“concurrently receiving the plurality of audio signals” – receiver 12 includes an antenna for receiving broadcast programming signals transmitted as radio frequency (RF) signals; optionally, receiver 12 can comprise a data communication interface for

receiving signals via the Internet and representative of streamed audio information (column 5, line 53 to column 6, line 31: Figure 1); the user can download the identification signals to a local database and employ the local database to search the broadcast programming signal to identify songs of interest to the user; data processor 16 can employ agent software modules that search through sources of computer readable information to identify identification signals that are of interest to the user (column 8, lines 29 to 40: Figure 1); thus, the reception of audio signal can be “concurrent” with receiving a user preference because a user enters search criteria, *i.e.* “a user preference”, as the broadcast programming signals are received, and before extracting identification signals;

“analyzing the audio signals to extract features” – memory 30 provides storage for identification signals wherein each identification signal can be representative of a known portion of a broadcast signal; an identification signal is a set of features that have been extracted from a musical selection, such as a song, and which act as an identifying characteristic of that particular song (column 8, lines 13 to 20: Figure 1);

“identifying a first audio signal based on a comparison of the user preference and extracted features” – comparator 50 searches the data signal representative of the broadcast programming signal for the occurrence of one or more of those known segments by identifying an identification signal stored within identification signal memory 64 and representative of the known segment (column 9, lines 26 to 35: Figure 2).

Regarding claims 2, 3, 14, and 15, *Logan et al.* ('451) discloses a playback controller can employ attribute information to retrieve segments in a selected order, for example by artist data, style, album order, or any other such order that can be provided by attribute signals; playback control allows a user at station 16 (the user's data processor) to fast forward through the different segments stored in memory 54 (column 11, lines 9 to 37: Figure 2); selected segments are stored within segment memory 52 and played out by audio signal generator 58 through a speaker (column 10, line 40 to column 11, line 2: Figure 2); thus, audio signal generator 58 and speaker are "an output device for outputting said first audio signal", and readout processor 54 is "operable to control said output device" (Figure 2); there are a plurality of segments identified by comparator 50, and stored in segment memory 52, where playback order of segments is controlled by read-out processor 54, so that there are at least "a first audio signal" and "a second audio signal".

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

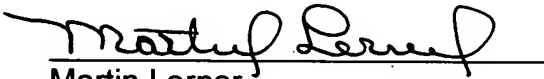
Hoffberg et al. ('564), Hoffberg et al. ('784), and Stahl disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
9/12/07


Martin Lerner
Examiner
Group Art Unit 2626